IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6279 OF 2005
IN
CRIMINAL APPEAL NO. 880 OF 2005

Munna Babubhai Shaikh ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Ganesh Gole, Advocate for Applicant

Mr. S.R. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 19TH OCTOBER, 2005

P. C.:-

1. Heard both sides.

2. The applicant is seeking bail. The applicant has been convicted under Section 392 of I.P.C. and sentenced to R.I. for three years.

3. It is stated by the learned advocate for the applicant that the applicant was on bail pending the trial and this liberty has not been misused by him. This statement has not been controverted by the prosecution. It is further submitted by the learned advocate for the applicant that the maximum sentence imposed on the applicant is three years and this

appeal is not likely to be heard within the said time. The learned A.P.P. has also handed over a report which states that the applicant has no other antecedents. The said report is taken on record and marked "X" for identification.

4. The Supreme Court in the case of **Bhagwan Rama Gosai and Ors. Vs. State of Gujrat reported in (1999) 4 SCC 421,** has observed that if the sentence is of limited duration and the appeal cannot be heard expeditiously, then bail should be granted. It is not possible to hear the present appeal expeditiously. Looking to the above facts and the evidence on record, I am inclined to grant bail.

5. On fine amount being paid, the applicant Munna Babubhai Shaikh to be released on bail in the sum of Rs.20,000/- with one or two sureties to make up the said amount. During the pendency of appeal, the applicant shall report on first and third Sunday of every month to Dindoshi police station.

6. Application is disposed of.

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